

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

IN THE MATTER OF THE)
FEDERAL LAPSE IN APPROPRIATIONS) Miscellaneous Order No. 4.

MISCELLANEOUS ORDER

Before the Court is the matter of a lapse in appropriations currently impacting the Department of Justice and the United States Attorney's Office for the Western District of Oklahoma.

1. At midnight on September 30, 2013, funding for the Department of Justice expired and appropriations to the Department lapsed. Many other Executive agencies are also experiencing a lapse in appropriations. The Internal Revenue Service is experiencing a lapse in appropriations as well.

2. Absent funding, Assistant U. S. Attorneys assigned to the Civil Division of the United States Attorney's Office may not lawfully provide uncompensated services on behalf of the Government. Special Assistant U. S. Attorneys assigned to the Internal

Revenue Service may not lawfully provide uncompensated services on behalf of the government.

An officer or employee of the United States Government . . . may not accept voluntary services . . . exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property . . . [T]he term "emergencies involving the safety of human life or the protection of property" does not include ongoing, regular functions of government the suspension of which would not imminently threaten the safety of human life or the protection of property.

31 U.S.C. § 1342.

As a result, on October 1, 2013, non-supervisory Assistant U.S. Attorneys assigned to the Civil Division of the United States Attorney's Office will be in furlough status. All Special Assistant U.S. Attorneys working for the Internal Revenue Service will be in furlough status. Furlough means the placing of an employee in a temporary status without duties because of lack of work or funds or other non-disciplinary reasons.

5 U.S.C. § 7511(a)(5). If the funding situation does not change, some Assistant U.S. Attorneys may be called back from furlough status, but only on a critical need basis to protect life or property.

3. The United States Attorney has sought a stay of all Chapter 7 and 13 cases within the Western District of Oklahoma wherein the United States or an agency, corporation, officer or employee of the United States is a party until Congress restores appropriations to the Department of Justice. The United States **is not** seeking a stay of Chapter 11 and 12 cases. Further, the United States Attorney has requested that the Court

extend all current deadlines commensurate with the duration of the lapse in appropriations.

4. Based on the number of cases involved, consulting all parties to all litigation in which the United States, or an agency, corporation, officer or employee of the United States is a party, is impracticable. Likewise, requesting individual extensions of time or stays in cases, at a time when United States Attorney's Office personnel may not lawfully work, is impracticable.

5. To preserve the status quo until restoration of funding, all Chapter 7 and 13 cases within the Western District of Oklahoma wherein the United States or an agency, corporation, officer or employee, deemed or otherwise, of the United States is a party are stayed. All deadlines, due dates or cut-off dates are extended for a period of time commensurate with the duration of the lapse in appropriations.

6. Bankruptcy hearings involving in Chapter 7 and 13 cases in which the United States or an agency or corporation of the United States is a party will be reset at a time after the lapse in appropriations. This Order shall not impact Chapter 11 and 12 cases.

7. This Order does not alter, vacate or stay any obligation of individuals to pay amounts previously lawfully determined to be owed to the United States or to an agency or office of the United States.

8. This Order does not prohibit, in any manner, the ability of parties to file claims or commence actions against the United States. However, the cases or matters

commenced while there is a lapse in appropriations will be immediately stayed, pending restoration of appropriations. All deadlines, response dates, due dates or cut-off dates in such cases will be extended for a period of time commensurate with the duration of the lapse in appropriations.

9. The United States Attorney shall notify the Court when Congress restores appropriations to the Department of Justice, and the Court shall enter additional instructions and guidance at that time.

IT IS SO ORDERED this 1st day of October, 2013.



Sarah A. Hall, Chief Judge
U.S. Bankruptcy Court
Western District of Oklahoma

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